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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/828,560	03/31/97	EGNOR	J 3398T
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PM82/0713

EXAMINER

GRAHAM, M

ART UNIT

PAPER NUMBER

3613

DATE MAILED: 07/13/00

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 08/828560
Filing Date: March 31, 1997
Appellant(s): Egnor

MAILED

~~JUL 11 2000~~

GROUP 3600

Timothy Chell
For Appellant

EXAMINER'S ANSWER

MAILED

JUL 13 2000

GROUP 3600

This is in response to appellant's brief on appeal filed March 27, 2000.

This is in response to the brief on appeal filed 3-27-2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

Art Unit:

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

Art Unit:

A substantially correct copy of appealed claims 1-12 appears on pages 1-3 of the Appendix of the Appendix to the appellant's brief. The minor errors are as follows: the underlining indicating added recitation is improper.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

2,870,872	Rapp	1-27-1959
2,441,627	Gregg	5-18-1998
2,007,514	Wilson et al.	7-9-1935

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 6/1, 6/2, 7, 10, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg in view of Rapp.

Gregg shows a wheel chock having front and rear ramps, a flat bottom, securing means 4 and side wall 7.

The claimed invention differs only in the inclusion of a second side wall and the relative dimensions.

Rapp shows a wheel chock having front and rear ramps, securing means 23 and two side walls 14.

Art Unit:

It would have been obvious to one of ordinary skill in the art to have included a second side wall on the wheel chock and Gregg in view of the teaching of Rapp so as to lock the wheel on both sides. The relative dimensions would be based on the size of the associated wheel to chocked. The cleanliness of wheel chock is dependent on the associated care of the device.

Re claim 2, note flat extending surface 4 on Gregg.

Re claims 6/1, 6/2, 7, the walls of Rapp project from the upper surface to the same degree as that shown by applicants.

Re claims 10-11, the inclusion of holes in the flat extending surface of Gregg would have been obvious to one of ordinary skill in the art as a common type of fastening means and a substitute of known equivalent fasteners.

Re claim 12, the recited method of use is inherent in Gregg, as modified by Rapp, as discussed above.

Claims 3, 4, 6/3, 6/4, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg, as modified by Rapp as claimed to claims 1-2 above, and further in view of Wilson et al.

The claimed invention differs from Gregg, as modified by Rapp, only in angles of the ramps.

Wilson et al. show the rear ramp having a greater slope than the front.

Art Unit:

It would have been obvious to one of ordinary skill in the art to have formed the ramp portions at different angles so as to easily roll the vehicle into the chock as taught by Wilson et al

Re claims 8-9, Wilson et al. show rails as the wheel support elements.

(11) *Response to Argument*

Appellant argues that the invention is not anticipated by Rapp. Since no anticipation rejection is currently present, this argument is deemed moot.

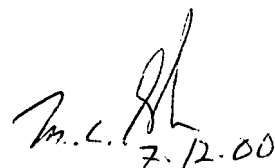
Appellants remaining arguments relate to the affidavit supplied by Mr. Endsley. Mr. Endsley does not address the rejection at hand, does not appear to have any expertise in wheel chocks and fails to provide any statistics showing commercial success as argued. Appellants claims relate to a wheel chock. Wheel chocks are used to position devices having wheels. The position of the device, such as locating a piece of equipment so that it doesn't block a fire sprinkler, is the choice of the user of the wheel chock.

Art Unit:

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

June 5, 2000
June 29, 2000


M.C. 7.12.00

MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310